

### **REMARKS/ARGUMENTS**

Claims 1-27 are pending in the application. Reconsideration is requested in view of the above amendments and the following remarks.

The Examiner has required that a drawing be submitted, asserting that the subject matter admits of illustration to facilitate an understanding of the invention. Applicant respectfully traverses this requirement, in view of the following remarks, and for the reason that the claims and description are believed to provide the subject matter necessary to understand the invention. In the event the Examiner's requirement is not traversed, Applicant will submit a drawing.

Claim 5 stands rejected under 35 U.S.C. 112 as being indefinite. The Examiner refers to the term "said groups" in claim 5, line 6, and indicates that there is lack of antecedent basis. Claim 5 has been amended to recite --grouping said secure system data file into one or more groups - - in order to provide an antecedent basis. Applicant believes that claim 5, as now amended, overcomes the section 112 rejection. No new matter has been introduced and the amendment is fully supported by the specification. (*See, for example*, Applicant's Specification, p. 6, lines 9-10.)

Claims 1-4, 6, 8, 11, 13-21 and 23 stand rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,944,821 ("Angelo"). This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection is hereby respectfully requested.

The Applicant's invention is not disclosed or suggested by the Angelo reference and should be patentable. The Examiner contends that Angelo discloses providing a hash

code table of a client; providing a client state code of a client; and comparing said client state code to said hash code table (referring to col. 12, lines 24-42 of Angelo and the Abstract). The Examiner further asserts that Angelo discloses a secure hash code table, and that Angelo discloses at least one compiled client hash value; generating the hash table using at least one exemplary system; reporting the results of the comparison and initiating a client state code using at least one compiled client hash value.

Applicant's present invention is not taught, suggested or disclosed by Angelo. Applicant has amended claim 1 to recite the step of generating an alert mechanism when a deviation threshold is reached based on a deviation between said hash code table values for said client and said client state code. Claim 1 further distinguishes Applicant's invention from the Angelo system. Claim 18, an apparatus claim, has been amended to include the feature of means for generating an alert when a deviation threshold is reached based on a deviation between said hash code table values for said client and said client state code. Claim 19 has been amended to include the feature wherein said hash code table is operable for one or more client platforms. Claims 25-27 have been added to round out the coverage of the invention, and also include this feature.

Applicant's present invention is distinguishable over Angelo. Angelo provides a method for preventing computer programs from being loaded into system memory, and provides a bypass for permitting execution in the event the program is not loaded. Applicant's present invention relates to a monitoring method for securing and controlling systems and networks. Angelo discloses the use of circuitry to generate a system management interrupt (SMI) and the system management mode (SMM) memory. Albeit Angelo may use the words secure registration and integrity assessment, it clearly does not

disclose or suggest the Applicant's present invention. The distinction between Applicant's claimed invention and what Angelo provides is understood by reference to col. 12, lines 25- 35 of Angelo. Angelo discloses that a SMI is generated when a user attempts to execute a secured application. This is not the Applicant's claimed invention, nor does it suggest it. Angelo further provides that a SMI handler then generates a hash value for the program to be executed. Still before the program may run, Angelo provides that the SMI handler checks a stored hash table for an entry for the secured application. If a hash value entry is found in the table, then it is compared with the newly created hash value generated by the SMI handler. Angelo, however, discloses loading the program into system management memory or normal memory in the event the two hash values match. It would be contrary to Angelo to load programs into memory if the hash values do not match. That being the case, Applicant's invention cannot be suggested, nor would it have been obvious, since, if what Angelo discloses is actually taking place, the unmatched, or unauthenticated programs, are not loaded, and Angelo is controlling program execution.

Unlike Angelo, Applicant's invention relates to securing and monitoring computer networks and clients located therein. As recited in claim 1, Applicant's invention provides a client state code of a client, and compares the client state code to the hash code table. One or more secure hash code tables of systems on the network is generated, the secured hash code table being comprised of secure client hash code values. Applicant's invention, as recited in claim 1, includes:

- providing a hash code table of a client;
- providing a client state code of a client;

comparing said client state code to said hash code table; and  
generating an alert mechanism when a deviation threshold is reached  
based on a deviation between said hash code table values for said client  
and said client state code.

This feature is also in claim 18, as amended. Applicant's invention relates to and refers to computer networks and clients located therein. It is the client hash code table and client state code that the Applicant's invention is able to transmit to a network server for comparison. Again, as pointed out above, the Applicant's invention provides a baseline for the system clients on a network. (See the Specification p. 4, lines 23- p. 5 line 2.) The Applicant's invention involves a loosely coupled network, where data concerning the state of clients or groupings of clients on a network may be reported in the form of an alert, as opposed to Angelo's disclosure.

Even if the Examiner attempts to read Angelo to disclose a network and client system, the Applicant's invention is still not taught, suggested or disclosed. Angelo's disclosure relates to a system which is tightly coupled so that, even assuming the Examiner's attempt to apply Angelo here, in Angelo, unlike the Applicant's invention which generates an alert, the actions of a client are dependent upon certain results. As pointed out above, a further distinction and reasons that Angelo does not disclose the Applicant's invention is because in the Applicant's invention the residue of the actions of a client are evaluated for generating an alert, but are not regulated by a control through SMM and SMI.

In other words, if Angelo's system is to function as it is disclosed, Applicant's inventive method would not be attainable, since Angelo would not permit execution of

the files, whereas, the Applicant evaluates whether the file was modified, destroyed and/or replaced. Angelo would not lead one of ordinary skill in the art to arrive at the Applicant's claimed method and apparatus. Angelo relates to executable, and the Applicant's method is concerned with all files.

Even the user override feature mentioned in Angelo is inconsistent with the Applicant's invention and further demonstrates the failure of Angelo to teach or suggest the Applicant's present invention. In the Applicant's invention, there is no system to override. This is a further reason why Angelo's disclosure fails to disclose or suggest Applicant's claimed invention.

Furthermore, the Applicant's method is operable across platforms for a variety of client platforms. This further distinguishes the Applicant's present invention. Angelo does not disclose or suggest securing network clients which may be operating on a plurality of client platforms.

For these reasons, Applicant's invention should be patentable, and reconsideration and a withdrawal of the rejection is respectfully requested.

Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Angelo in view of US 5,619,644 ("Crockett"). This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection is hereby respectfully requested.

The Examiner admits that Angelo is deficient of a disclosure of grouping the secure system data file and extracting the modal hash value. The Examiner then attempts to fill this deficiency using Crockett, asserting that Crockett teaches grouping of files. The Examiner further claims to take Official Notice regarding extracting the modal hash

value, contending the motivation for doing so is to recover from a disaster and use the most common value among the group.

First, for the same reasons set forth above, Applicant's invention should be patentable over Angelo and Crockett. Angelo fails to teach, suggest or disclose the Applicant's claimed invention for the reasons set forth above. Second, contrary to the Examiner's assertion, there is no suggestion to modify Angelo with Crockett, as the Examiner proposes. Angelo relates to a tightly coupled arrangement which controls whether a file may even be loaded. Crockett relates to a system for identifying errors and mentions suspending data processing for collecting failure information. Again, this reference would not be looked to or sought by one of ordinary skill in the art to be combined with Angelo, to arrive at the Applicant's present invention.

Reconsideration and a withdrawal of the rejection is hereby respectfully requested.

Claim 7 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Angelo, as applied to claim 3, and in view of IEEE. This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection is hereby respectfully requested.

For the same reasons set forth above, Applicant's invention should be patentable over Angelo, even when the Examiner attempts to combine the further reference of IEEE. Accordingly, reconsideration and a withdrawal of the rejection is hereby respectfully requested.

Claims 9 and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Angelo. This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection is hereby respectfully requested.

For the reasons set forth above, Applicant's invention, as recited in claims 9 and 22, is not obvious in view of Angelo. Angelo is inconsistent with the Applicant's invention, and it would not have been obvious, since even if one were to do what the Examiner proposes, namely, log the results of a comparison, the Applicant's invention would not be arrived at. Logging Angelo's results would provide merely what was not loaded, and what was in a sense, controlled by Angelo, unlike Applicant's invention which provides a client state comparison which is analytical rather than permissive. As discussed above, Angelo does not teach, suggest or disclose the Applicant's invention, since, Applicant's invention ascertains the client state, and reports on the status of the client state, including the client action. In the Applicant's invention, the reporting of client action presumably would include actions which, in the case of Angelo, would not be actions to report, since Angelo operates to stop actions before their occurrence. That is different than Applicant's claimed invention. Even considering Angelo was to permit loading and execution of certain files, if the files which the user is authorized to execute are changed or modified, Angelo would not apply. Applicant's invention, on the other hand, provides a method for securing, maintaining, monitoring and controlling computer networks and clients located therein, and not only provides a hash code table of a client; but provides a client state code of a client and compares the client state code to the hash code table. Applicant's method and apparatus can therefore provide information about clients or groups of clients on a network which Angelo cannot.

Reconsideration and a withdrawal of the rejection is hereby requested.

Claim 10 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Angelo in view of US 2002/0188605 ("Adya"). This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection is hereby respectfully requested.

First, for the same reasons set forth above with respect to Applicant's invention being patentable over Angelo, Applicant's present invention also should be patentable over the combination of cited references. The Examiner contends that Adya would suggest using Angelo to arrive at the step of securing a client in lock down mode. Angelo permits certain programs to execute. It is only through the Applicant's own disclosure that the suggestion to modify Angelo as the Examiner proposes is derived. However, it is inconsistent with Angelo to lock down a system. Rather Angelo discloses an employer stopping games from failing to execute, but does not provide for locking down the system. Adya does not provide for a client state, but is related to permissions and access to files by multiple users.

Reconsideration and a withdrawal of the rejection is hereby requested.

Claims 12 and 24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Angelo as applied to claims 1 and 19, above, in further view of US 5,463,735 ("Pascucci"). This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection is hereby respectfully requested.

For the same reasons set forth above, Applicant's invention should be patentable over Angelo, even when the Examiner attempts to combine the further reference of



Pascucci. Accordingly, reconsideration and a withdrawal of the rejection is hereby respectfully requested.

Applicant notes the Examiner's provisional rejection of claims 1-3, 8-11, 13-23, as being provisionally rejected in view of Applicant's copending application no. 10/032,252, and of claims 4-7, 12, and 24 (with additional references cited). Applicant will submit a terminal disclaimer in the event the Examiner maintains this rejection, but submits that the references relied on by the Examiner, for the reasons stated herein, do not render obvious claims 4-7, 12, and 24, and requests reconsideration of the rejection.

For the reasons set forth above, Applicant's invention is not disclosed or suggested by the art of record not relied on.

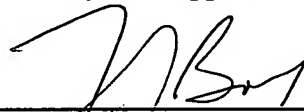
### CONCLUSION

Applicant's invention is not taught, suggested or disclosed by the cited references relied on by the Examiner. Accordingly, Applicant's presently claimed invention should be patentable.

If necessary, an appropriate extension of time to respond is respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required to Patent Office Deposit Account No. 05-0208.

Respectfully submitted,  
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